DRAFT

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES OF THE PRESSMEN WELFARE FUND JANUARY 28, 2022

The following Trustees were present:

UNION TRUSTEES	**EMPLOYER TRUSTEES**
Paul Atwill - Co-Chairman	Beth Swanson – Chairman (via videoconference)
Janice Bort	Jay Goldscher (via videoconference)
Dennis Larkin	

Also present were:

Ellen Boardman, Esq. - O'Donoghue & O'Donoghue, LLP
Kathy Phillips - Associated Administrators, LLC
Dawn Welch - Associated Administrators, LLC

I. CALL TO ORDER

A quorum being present, Chairman Swanson called the meeting to order at 12:30 p.m.

II. APPROVAL OF THE MINUTES

The Trustees reviewed the minutes of the last regular meeting held on October 1, 2021, which were circulated in advance of the meeting.

On MOTION made, seconded, and unanimously adopted, the Trustees

> **RESOLVED that the minutes of the regular meeting held on October 1, 2021 are approved, as presented.**

III. ADMINISTRATIVE MANAGERS' REPORT

A. Financial Statement

Ms. Welch reviewed the Administrative Managers' Report for November 2021. The period ending November 30, 2021, indicated a total income of $1,435,983 and total expenses in the amount of $1,638,118, resulting in a loss of $202,135. The Fund's net assets as of November 30, 2021 were $1,555,290.89.

B. Delinquency Report/Accounts Receivable Report

There were no delinquent employers to report. Linemark has a net overpayment of $2,219.25, which will be applied to future obligations.

C. Fund Reserve

Ms. Welch noted that as of November 30, 2022, the Pressmen Welfare Fund had $1,555,290.89 in reserves, representing 10 months of reserves compared to 10.8 as of July 30, 2021.

D. Collective Bargaining Agreement ("CBA") Report

The Trustees reviewed the CBA Report that reflected the rate required to be paid by each contributing employer pursuant to the applicable CBA. The Trustees noted that Doyle Printing's CBA expired. Trustee Atwill advised that the negotiations with Doyle Printing should be completed in March 2022.

E. Invoices

Ms. Welch presented a list of invoices paid from August 1, 2021, through November 30, 2021. She noted that there were no additions, deletions or changes to the list. The Trustees reviewed the list and determined that all invoices represent proper Fund expenses.

On MOTION made, seconded, and adopted, the Trustees

RESOLVED to approve the invoices paid from August 1, 2021, through November 30, 2021.

F. Payroll Audit Status Report

Ms. Welch reviewed the Payroll Compliance Report as of January 24, 2022. She noted that Doyle Printing is completed and no deficiencies were noted. Calibre has attempted to contact Caslon Press multiple times via email and telephone without success and noted the telephone is now disconnected. Trustee Atwill advised that Caslon Press is now out of business and thus collection of any delinquencies discovered in an audit would be uncollectable. After discussion, the Trustees directed Ms. Welch to inform Calibre to take no further action with respect to the Caslon Press exit audit.

G. <u>Investments</u>

The Trustees reviewed the Fund's investments as of January 26, 2022. The Fund's assets include Certificates of Deposit totaling $100,000.00 and cash in the Operating Account totaling $521,264.90. The assets also include the Fidelity Spartan 500 Index Fund, with a balance of $842,210.43. The Trustees reviewed the investment return report for the Fidelity Spartan 500 Index Fund – Investor Class.

Ms. Welch noted that the Fund's asset allocation is 6.4% in Money Market and 33.4% in cash. Due to two Certificates of Deposit recently maturing, the cash reserves were over the target allotted by the Trustees in the Investment Policy. To address this overweighting, Ms. Welch informed the Trustees that the Investment Subcommittee selected a Certificate of Deposit totaling $250,000 to be purchased today, January 28, 2022.

On MOTION made and seconded, and unanimously approved, the Trustees

RESOLVED to approve the Financial Report as presented.

IV. <u>FUND COUNSEL REPORT</u>

A. <u>Department of Labor ("DOL") Cybersecurity Best Practices</u>

Following up on her earlier report at the June 2021 Trustees' meeting, Ms. Boardman reported on the DOL's guidance related to cybersecurity best practices. She presented a cybersecurity information request letter and recommended that the Funds send out the letter to all vendors that handle client and Fund related information to review their cybersecurity practices and determine if security is satisfactory. Vendors would be required to provide a cybersecurity report that addresses the steps they have taken to protect any participant information or plan assets they have as a service provider to the Fund. A copy of an existing cybersecurity policy and details of coverage provided by any insurance policies that cover losses caused by cybersecurity incidents will also be requested.

After discussion, and on Motion made and seconded, the Trustees voted unanimous approval of the following resolution:

> **RESOLVED, that the Fund send the cybersecurity information request letter to all Plan professionals**.

B. <u>COVID-19 Over-the-Counter in Home Tests</u>

Ms. Boardman informed the Trustees that on January 10, 2022, the Department of Labor, Department of Health and Human Services and the Treasury Department released a series of Frequently Asked Questions under the Affordable Care Act Part 51. This was in response to the Biden administration's directive to issue guidance requiring group health plans and insurers to provide coverage of over the counter ("OTC"), in home COVID-19 diagnostic tests. The guidance provided basic coverage requirements for OTC COVID-19 tests purchased or acquired without involvement of a healthcare provider, as well as a safe harbor that allows plans and insurers to apply limits to the coverage mandate. Effective January 15, 2022, any FDA authorized OTC COVID-19 tests must be covered by a health plan without application of cost sharing, prior authorization, or medical management techniques. The full cost of the tests must be covered and plans cannot impose quantity, frequency or cost limits.

The mandate includes a safe harbor to help control the cost of unlimited testing. The Departments will not take any enforcement action if plans provide for direct coverage of FDA authorized OTC COVID-19 tests through both its preferred pharmacy network and a direct to consumer shipping program. Plans can limit the reimbursement from nonpreferred pharmacies and other retailers to $12 per test for a total of 8 tests per 30 day period, for each covered individual, as long as the safe harbor requirements are met.

Kaiser has confirmed they have met the safe harbor requirements and OTC COVID-19 tests will be available through their preferred pharmacy network, and online. Kaiser is currently not charging any additional fees for implementation or processing. Members can also submit a reimbursement claim for tests purchased on or after January 15, 2022. Kaiser stated a notice was sent to participants informing them of the COVID-19 test mandate and process for obtaining tests and receiving reimbursement for tests purchased out of network.

C. <u>No Surprises Act</u>

Following up on earlier reports to the Trustees, Ms. Boardman noted that Kaiser provided an External Surprise Billing Frequently Asked Questions document that details how Kaiser will be implementing all the requirements as outlined in the No Surprise Act which was pre-circulated to the Trustees and included in the meeting material.

She informed the Trustees that the No Surprises Act requires plans to make publicly available and post on a public website, a notice outlining the balance billing limitations that apply for out-of-network emergency services, out of network air ambulance services and certain non-emergency services provided by out-of-network provider at in-network facilities beginning January 1, 2022. She presented the Notice of Surprise Billing Protections prepared by Kaiser. Kaiser has confirmed the notice is publicly posted on the Kaiser website www.kp.org in the Important Notices Section.

The No Surprise Act requires plans to include the deductible, out-of-pocket maximum and telephone number and website that participants may obtain information regarding network professionals and facilities on any physical or electronic medical insurance identification card issued to participants beginning January 1, 2022. Ms. Welch presented a template of the new Kaiser member identification card that includes the required information. She noted that Kaiser confirmed the new member ID cards have been available and issued since November 6, 2021. The updated physical cards have been mailed to new members, current members whose benefits have changed and members who ordered a new physical card on kp.org or by contacting Kaiser member services since November 6, 2021.

Ms. Boardman noted that a Summary of Material Modifications ("SMM") will be prepared detailing the required change for the payment of Emergency Services, Non-Emergency Services provided at an in-network facility, and Air Ambulance Services ("Covered Services") under the No Surprises Act. She reported that emails had been sent to Kaiser with additional questions regarding compliance with the Consolidated Appropriation Act including the No Surprise Act and the SMM and restatement of the Summary Plan Description would be completed when a response is received.

V. OTHER FUND BUSINESS

Ms. Welch presented the following:

A. Summary Annual Report

The Summary Annual Report was mailed to plan participants on December 4, 2021.

B. Women's Health and Cancer Rights Act ("WHCRA") Notification

The WHCRA notice was mailed to participants on October 15, 2021.

C. Notice of Creditable Coverage

The Notice of Creditable Coverage was mailed to participants on October 15, 2021.

D. Dental Plan Provider

The Trustees unanimously approved Cigna as the new dental HMO Plan effective January 1, 2022, via email poll on October 27, 2021. The annual premium will be $32.085.72, which is 3.42% lower than the prior dental HMO Plan provided by Group Dental Services. Dental Cards were mailed to the participants on December 15, 2021.

E. SMM #13

The Notice of Dental Open Enrollment and changes to the Summary Plan Description related to the change in dental HMO plan from Group Dental Services to Cigna Dental was mailed to participants on November 22, 2021.

F. Employee Premium Subsidy

The Trustees discussed the full employee premium subsidy that was in effect from April 1, 2020 to September 30, 2021 and the 50% employee premium subsidy the Trustees approved from October 1, 2021 through March 31, 2022. Trustee Swanson requested a report from Ms. Welch noting the employee premium subsidy cost to the Plan on a monthly basis from April 1, 2020 to February 1, 2022. Ms. Welch stated she would prepare the report and circulate to Trustees when completed.

G. Change of Ownership for Associated Administrators

Ms. Welch announced that Associated Administrators, LLC ("Associated") had been acquired by Harbour Benefit Holdings, Inc. (Harbour) on November 30, 2021. She noted that Associated will remain its own legal entity and its name will not change and will have no effects on locations, personnel, or Associated's existing agreements.

VI. NEXT MEETING DATE AND LOCATION

The next regular meeting of the Board of Trustees was scheduled for Friday, May 13, 2021, at 12:30 p.m., at Associated Administrators, Landover Md. Location.

VII. ADJOURNMENT

There being no further business to come before the Board of Trustees, the meeting was adjourned at 1:47p.m.

Respectfully submitted,

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H. Beth Swanson, Chairman Paul Atwill, Co-Chairman